

Remarks

In Paragraph 3 of the Office Action, the Examiner rejected Claims 1-2 and 4-8 under §103(a) as unpatentable over Whitbourne et al. 6,110,483 (please note correct spelling of Whitbourne and correct patent number) in view of Elton 5,160,790 (please note correct patent number). Applicants respectfully traverse this rejection and provide the following arguments.

The present invention comprises a radially expandable stent having a substantially uniform hydrogel coating thereon, the thickness of the coating having a relative standard deviation of not greater than about 10%. Reiterating the argument from the previous reply, Whitbourne, in contrast, merely discloses the use of a hydrogel coating which may be thin, on the order of 1-100 microns and preferably less than about 50 microns. No disclosure nor even suggestion is provided in such reference, however, that the coating would have a relative standard deviation of no greater than about 10%. There is no guarantee that merely because a coating is said to be thin and continuous that it would also have a relative standard deviation of not greater than 10%. To make up for this admitted deficiency, the Examiner cites Elton (col. 4, lines 10-14) as teaching “a hydrogel coating that can be applied to a stent in a uniform continuous thickness,” and the Examiner concludes that “It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the coating of Whitourne [sic] et al. and apply a uniform thickness (with no greater than 10 percent standard deviation)....” A careful reading of Elton, however, demonstrates that Elton states that “the composition of the coating system is essentially uniform...” and that “any reasonable coating thickness can be achieved simply by varying the solids content.” Elton does not state or imply that the thickness of the coating is uniform, merely that the composition itself is uniform, i.e., does not vary from sample to sample, or is homogeneous. Therefore, Elton does not in any way teach or suggest that a coating, such as that of Whitbourne, could be applied in a uniform thickness with no greater than 10 percent standard deviation and, therefore, does not supplement Whitbourne with the missing teaching that the Examiner concedes would be necessary for a finding of

obviousness of the pending claims. Furthermore, in any event there would be no motivation to combine such unrelated teachings.

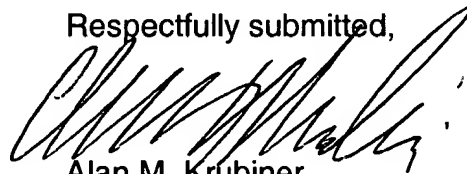
At the end of paragraph 3 and in paragraph 4 there is reference to Beavers et al. It is not clear whether this is in error, but inasmuch as Beavers et al. does not form part of any outstanding rejection, there is no reference to Beavers et al. in the earlier record of this application, and it is not seen from the Examiner's comments how this would impact the pending claims, no further consideration of Beavers et al. is provided herein.

In view of the above arguments, Applicants submit that the current rejection under §103(a) has been overcome. Applicants submit that all the Claims, Claims 1-2 and 4-8 as currently presented, are in condition for immediate allowance. The prompt issuance of a Notice of Allowance is respectfully requested.

The Examiner is encouraged to call the undersigned to discuss and resolve any issues that may speed passage of the case to issuance.

Dated this 9th day of July, 2004.

Respectfully submitted,



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